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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,245	01/21/2004	Kia Silverbrook	RRA13US	1586
24011	7590	11/15/2005	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			VO, ANH T N	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/760,245

Applicant(s)

SILVERBROOK, KIA

Examiner

Anh T.N. Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/8/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

The references cited on PTO 1449 have been considered.

### *Double patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 1/3 and 1/3/4 of application number 10/760,249. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim a printer cartridge for an inkjet printer comprising:

- storage reservoirs;
- a printhead in communication with said storage reservoirs;

- a refill port;
- the printhead is a pagewidth printhead; and
- inlets.

This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

### ***CLAIM REJECTIONS***

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-4 are rejected under 35 USC 102 (b) as being anticipated Peterse (US Pat. 6,488,368).

Petersen discloses in Figures 1-3 ink containers for an ink jet printer comprising:

- a number of storage reservoirs (B, C, M, Y) each dedicated to store a predetermined printing fluid (Fig. 3);
- a printhead (16) in communication with said storage reservoirs (Figs. 2-3);
- a refill port (100) arranged to mate with a corresponding connector of a refill cartridge (12B, 12C, 12M, 12Y), the refill port including inlets (112B, 112C, 112M, 112Y) corresponding to, and in fluid communication with, each of the storage reservoirs;
- at least one refill cartridge (12CMY) containing one of the number of printing fluids and including a connector (unmarked through holes located at a bottom of an element 12CMY) arranged to mate with the refill port (100), the connector having an outlet located to

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communicate with a particular one of the refill port inlets in communication with a particular one of the number of storage reservoirs dedicated to store the printing fluid contained within said refill cartridge (Figures 1-2); and

-4wherein the printer cartridge (12, 100, 16) includes a printhead (16) in communication with the ink storage reservoirs (B, C, M, Y).

Claims 1-5 are rejected under 35 USC 102 (b) as being anticipated Silverbrook (US Pat. 6,347,864).

Silverbrook discloses in Figures 1-10 a print engine comprising:

- a number of storage reservoirs (an ink feed arrangement 702 defined four ink feed galleries 708) each dedicated to store a predetermined printing fluid (Figs. 7- 8);
- a printhead (516) in communication with said storage reservoirs (708) (Figs. 8-9);
- a refill port (510) arranged to mate with a corresponding connector (578) of a refill cartridge (500), the refill port including inlets (544) corresponding to, and in fluid communication with, each of the storage reservoirs (708) (Figs. 2 and 7-10);
- wherein the printhead (516) is a pagewidth printhead (Figs. 5-6);
- at least one refill cartridge (500) containing one of the number of printing fluids and including a connector (578) arranged to mate with the refill port (510), the connector having an outlet located to communicate with a particular one of the refill port inlets (544) in communication with a particular one of the number of storage reservoirs dedicated to store the printing fluid contained within said refill cartridge (500); and
- wherein the printer cartridge (500) includes a printhead (516) in communication with the ink storage reservoirs (708).

***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's

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disclosure. The prior art references (US Pat. 6,322,206; US Pat. 6,488,422; US Pat. 6,663,233; US Pat. 6,676,252; US Pat. 6,799,841) cited in the PTO 892 form show an ink jet printer that is deemed to be relevant to the present invention. These references should be reviewed.

**CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262.

The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M..

The fax number of this Group 2861 is (571) 273-8300.



ANH T.N. VO  
PRIMARY EXAMINER  
November 9, 2005